

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT HOLMES, III,

Plaintiff,

vs.

METROPOLITAN POLICE  
DEPARTMENT, et al.

Defendants.

Case No. 2:13-cv-00877-APG-GWF

**ORDER**

Motion to Serve Defendant Julie  
Holl (#54)

This matter comes before the Court on Plaintiff's Motion to Serve Defendant Julie Holl (#54), filed on August 28, 2014.

**BACKGROUND**

On August 13, 2014, Plaintiff filed a Motion for Service (#51), in the form of a status report, indicating that the U.S. Marshals were unable to execute service on Defendant Julie Holl (P#6004) because LVMPD did not have records identifying Ms. Holl as an employee of the department. *See Dkt. # 51I*. Plaintiff further indicated, however, that he spoke with the U.S. Marshals and they would attempt to re-serve Defendant Holl using her employee "P" number. *Id.* On August 29, 2014, the U.S. Marshal Service filed a status report stating:

[w]e attempted service again for Julie Holl (P#6004), and Las Vegas Metropolitan Police Department (LVMPD) did not accept. LVMPD advised that they did not possess records indicating that the individual was employed by the department. Also, LVMPD will not accept summons and complaints with only a P#. They required proper identifiers (first and last name, or last name and P#) for their employees in order for process to be accepted.

*See Dkt. #56*. On August 28, 2014, Plaintiff filed the present motion to serve Defendant Julie Holl, therein alleging that Plaintiff Holl used a false name when entering his home on November

1 6, 2006, to seize his property pursuant to a “telephone search warrant.” *See Dkt. #54*. Plaintiff  
2 further alleges that Officer Holl (P#6004) was the lead detective in two of his cases and believes  
3 that LVMPD refuses to accept service on her behalf against his rights of due process and equal  
4 protection under the 5th and 14th amendments of the Constitution.

5 Service of process cannot be affected upon an individual defendant by serving at his place  
6 of employment individuals who are not authorized to accept service of process. *See Fed.R.Civ.P.*  
7 4(e). The Court cannot order LVMPD to accept service for Defendant Holl when LVMPD alleges  
8 that it is not authorized to accept such service on the defendant’s behalf. It appears that LVMPD is  
9 requesting proper identification of Defendant Holl in order to confirm that it is authorized to  
10 accept service on the officer’s behalf. The undersigned previously stayed discovery in this matter  
11 pending the Court’s decision on Defendants’ Motions to Dismiss (#22, 25). *See Dkt. #46*. The  
12 Court will lift the stay for the limited purpose of allowing Plaintiff to serve discovery requests on  
13 the Defendants to ascertain the true identity of Defendant Julie Holl (P#6004) in order to effectuate  
14 service. Accordingly,

15 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Serve Defendant Julie Holl (#54)  
16 is **denied** to the extent that the Court cannot order an unauthorized party to accept service on a  
17 defendant’s behalf.

18 **IT IS FURTHER ORDERED** that the discovery stay shall be lifted in this matter for the  
19 limited purpose of allowing the Plaintiff to investigate the true identity of Defendant Julie Holl  
20 (P#6004) to effectuate service.

21 DATED this 3rd day of September, 2014.

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24 GEORGE FOLEY, JR.  
United States Magistrate Judge  
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